

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE:

CRISTIAN LIQUORS LLC,

Debtor.

CHAPTER 11

CASE NO. 20-40499-bem

**APPLICATION REQUESTING ENTRY OF ORDER ESTABLISHING CERTAIN
DEADLINES PURSUANT TO INTERIM RULE 3017.2**

COMES NOW, Cristian Liquors LLC (“Debtor”), by and through the undersigned counsel, and hereby files this “*Application Requesting Entry of Order Establishing Certain Deadlines Pursuant to Interim Rule 3017.2*” (the “Application”). Debtor respectfully requests an order: (1) scheduling the Plan confirmation hearing, (2) approving the form and content of Debtor’s ballot, (3) establishing a deadline for filing objections to the Plan, and (4) establishing a deadline for casting ballots to accept or reject the Plan. In support of the Application, Debtor respectfully shows the Court as follows:

Jurisdiction

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. § 1334. The subject matter of this Application constitutes a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory basis for the relief requested is 11 U.S.C. § 1191 and 105 and this Court’s Interim Rule 3017.2, as made applicable by General Order No. 30-2020.

2. On March 2, 2020 (“Petition Date”), Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§101 et seq. (“Bankruptcy Code”), in the United States Bankruptcy Court for the Northern District of Georgia, Rome Division (“Court”). Debtor elected treatment as a debtor under Subchapter V of Chapter 11.

3. Debtor continues to operate its business and manage its affairs as a Subchapter V debtor in possession pursuant to § 1184 of the Bankruptcy Code.

4. John Whaley was appointed as Subchapter V Trustee in this case.

5. On May 12, 2020, Debtor filed its Subchapter V Plan of Reorganization (the “Plan”).

Relief Requested

6. By this Application, Debtor requests entry of an order: (a) scheduling the Plan confirmation hearing, (b) approving the form and content of Debtor’s ballot, (c) establishing a deadline for filing objections to the Plan, and (d) establishing a deadline for casting ballots to accept or reject the Plan.

7. Interim Rule 3017.2 states:

In a case under subchapter V of chapter 11 in which § 1125 does not apply, the court shall:

- (a) Fix a time within which the holders of claims and interests may accept or reject the plan;
- (b) Fix a date on which an equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;
- (c) Fix a date for the hearing on confirmation; and
- (d) Fix a date for transmission of the plan, notice of the time within which the holders of claims and interest may accept or reject the plan, and notice of the date for the hearing on confirmation.

8. Debtor’s case was filed as a Subchapter V case. The Court has not entered an order applying § 1125 to this case. *See* § 1181(b) (“Unless the court for cause orders otherwise . . . § 1125 [does] not apply in a case under this subchapter.”).

9. The Plan was timely filed pursuant to § 1189 and is in accordance with Rule 3016 of the Federal Rules of Bankruptcy Procedure (the “Rules”).

10. Debtor requests that the Court enter an order setting forth the following deadlines:

- | | | |
|-----|--|--------------------------|
| (a) | Deadline for Debtor to transmit the plan and notice of deadline for voting on plan and confirmation hearing. | May 14, 2020 |
| (b) | Deadline for equity security holders or creditors to be holders of record to vote on the plan | June 11, 2020 |
| (c) | Deadline to accept or reject the plan | June 11, 2020 |
| (d) | Hearing on confirmation | June 16, 2020 at 2:00 pm |

11. Debtor further requests that the Court approve the form and content of the Ballot attached hereto and incorporated herein as Exhibit "A". Ballots will be provided to creditors and parties in interest entitled to vote along with the Plan.

12. An order granting this Application and the relief requested herein will be submitted contemporaneously herewith.

WHEREFORE, Debtor requests that the Court enter an order granting this Application and the relief requested herein and such other and further relief as may be deemed just and proper.

Respectfully submitted this 12th day of May, 2020.

JONES & WALDEN, LLC

/s/ Thomas T. McClendon

Thomas T. McClendon

Georgia Bar No. 431452

699 Piedmont Ave NE

Atlanta, Georgia 30308

(404) 564-9300 Telephone

(404) 564-9301 Facsimile

tmccclendon@joneswalden.com

EXHIBIT “A”

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BALLOT FOR ACCEPTING OR REJECTING DEBTOR’S PLAN

On May 12, 2020, Debtor filed its Subchapter V Plan of Reorganization (“Plan”), and an Application Requesting Entry of Order Establishing Certain Deadlines Pursuant to Interim Rule 3017.2 (the “Application”). The Court has approved the deadlines set forth herein. If you do not have a copy of the Plan, you may obtain a copy from Jones & Walden, LLC, 699 Piedmont Ave NE, Atlanta, Georgia 30308, 404-564-9300 (telephone), 404-564-9301 (facsimile). The Plan is available for review in the Office of the Clerk, U.S. Bankruptcy Court, 600 East First St, Room 339, Rome, GA 30161-3187 during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

You should review the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. If you hold claims or equity interests in more than one class, you may receive a ballot for each class in which you are entitled to vote and you may use a copy of the ballot or request an additional ballot if you do not receive one.

If your ballot is not received by the Office of the Clerk, U.S. Bankruptcy Court, 600 East First St, Room 339, Rome, GA 30161-3187 *on or before* _____ and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court it will be binding on you whether or not you vote.

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BALLOT FOR ACCEPTING OR REJECTING PLAN

The Plan referred to in this ballot can be confirmed and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each Class. If the required acceptances are not obtained, the Plan may nevertheless be confirmed if the Court finds that the Plan accords fair and equitable treatment to the Class or Classes rejecting it or the Plan otherwise satisfies the requirements of Section 1191(b) of the Code.

**TO HAVE YOUR VOTE COUNT, YOU MUST COMPLETE AND RETURN THIS
BALLOT ON OR BEFORE _____ TO:**

**Clerk, U.S. Bankruptcy Court
600 East First St, Room 339,
Rome, GA 30161-3187**

You must also deliver a copy of the completed, signed ballot to Debtor's Attorney at: Jones & Walden LLC, 699 Piedmont Avenue NE, Atlanta, Georgia 30308, Attn: Thomas T. McClendon.

The undersigned is a holder of [check one:]

☐ a secured claim
☐ an unsecured claim
☐ other [specify: _____]

In the amount of \$ _____, in Class _____ and hereby:

☐ **Accepts** ☐ **Rejects**

Debtor's Plan of Reorganization

Date: _____

Creditor: _____

Print or Type Name

Signed: _____

Email address of signing representative: _____

[If appropriate] as: _____

Title

Print name: _____

Address: _____

Phone Number: _____

Email Address: _____

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CERTIFICATE OF SERVICE

This is to certify that on this day the foregoing *Application Requesting Entry of Order Establishing Certain Deadlines Pursuant to Interim Rule 3017.2* ("Application") was electronically filed using the Bankruptcy Court's Electronic Case Filing program which sends a notice of and accompanying link to the Application to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

- **Roy Amit Banerjee** rbanerjee@kppblaw.com
- **Ron C. Bingham** ron.bingham@arlaw.com, lianna.sarasola@arlaw.com
- **Vanessa A. Leo** ustpreion21.at.ecf@usdoj.gov, Vanessa.A.Leo@usdoj.gov
- **David S. Weidenbaum** david.s.weidenbaum@usdoj.gov
- **John T. Whaley (Sub V Trustee)** trustee@jtwcpa.net, jtwhaley@jtwcpa.net

I further certify that on this day I caused a true and correct copy of the Application to be served via First Class United States mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery upon the parties listed below:

Office of the United States Trustee
362 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303

This 12th day of May, 2020.

JONES & WALDEN, LLC

/s/ Thomas T. McClendon

Thomas T. McClendon

Georgia Bar No. 431452

699 Piedmont Ave NE

Atlanta, Georgia 30308

(404) 564-9300 Telephone

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tmccclendon@joneswalden.com